

THOMAS J. LALLANNE, IV T685090  
Name and Prisoner/Booking Number

MAHICOPA COUNTY JAIL  
Place of Confinement

3250 W. Lower Buckeye Road  
Mailing Address

Phoenix, AZ 85009  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
MAR 31 2022	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>[Signature]</u>	DEPUTY

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

THOMAS J. LALLANNE, IV  
(Full Name of Plaintiff)

Plaintiff,

v.

(1) MARICOPA COUNTY BOARD OF SUPERVISORS  
(Full Name of Defendant)

(2) CARA CHRIST, M.D. DIRECTOR, MCOPH

(3) VINCENT GALES, M.P.H. DIRECTOR MCCHS

(4) PAUL PENZONE, SHERIFF

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. CN-22-516-PHX-SMB-DMF  
(To be supplied by the Clerk)

### CIVIL RIGHTS COMPLAINT BY A PRISONER

JURY TRIAL DEMAND

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

### A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: \_\_\_\_\_

**B. DEFENDANTS**

1. Name of first Defendant: MARICOPA COUNTY. The first Defendant is employed as: BOARD OF SUPERVISORS at MARICOPA COUNTY GOVT.  
(Position and Title) (Institution)
2. Name of second Defendant: CARA CITREST, M.D.. The second Defendant is employed as: DIRECTOR at MARICOPA COUNTY DEPT. PUBLIC HEALTH  
(Position and Title) (Institution)
3. Name of third Defendant: VINCENT GALES. The third Defendant is employed as: DIRECTOR at MC CORRECTIONAL HEALTH SERVICES  
(Position and Title) (Institution)
4. Name of fourth Defendant: PAUL PENZONE. The fourth Defendant is employed as: SHERIFF at MARICOPA COUNTY JAIL  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 3. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: LALLANAS v. APS
    2. Court and case number: 2/21-CV-00893-SMB
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) DISMISSED IN ERROR AND PREPARING TO APPEAL
  - b. Second prior lawsuit:
    1. Parties: LALLANAS v. MESA P.D.
    2. Court and case number: 2/21-CV-00918-SMB
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) CASE PENDING FINAL JUDGMENT IN SUPERIOR CASE NO. CR2020-143488-001
  - c. Third prior lawsuit:
    1. Parties: LALLANDE v. PENZONE, ET AL.
    2. Court and case number: 2/22-CV-00200-SMB
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) NEW ACTION PENDING

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

**D. CAUSE OF ACTION****COUNT I**

1. State the constitutional or other federal civil right that was violated: SIXTH AMENDMENT

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                   | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                  | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>SPEEDY TRIAL</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

SINCE BEING HELD AS A PRETRIAL DETENEE IN THE MARICOPA COUNTY JAIL FROM MARCH 1, 2021 TO PRESENT PLAINTIFF HAS ERRONEOUSLY BEEN PLACED ON QUARANTINE SEVERAL TIMES IN VIOLATION OF ARIZONA REVISED STATUTE 36-789 IN WHICH NONE OF THE STATUTORY REQUIREMENTS HAVE NOT BEEN MET CAUSING MY CRIMINAL CASES CR2020-000414-001, CR2020-143488-001 AND CR2021-000613-002 TO BE CONTINUED 28 TIMES WHICH IS OUNTRAGEOUS AND SHOCKS THE CONSCIENCE OF ANY REASONABLE PERSON. PURSUANT TO A.R.S. 36-789 THERE MUST BE A COURT ORDER AND SAID COURT ORDER MUST LIST THE IDENTITY OF THE PERSON OR PERSONS SUBJECT TO QUARANTINE, THE PREMISES SUBJECT TO QUARANTINE, THE DATE AND TIME WHICH QUARANTINE COMMENCES, THE SUSPECTED LEGALLY CONTAGIOUS AND FATAL DISEASE, IF KNOWN AND THAT A STATE OF EMERGENCY HAS BEEN DECLARED BY THE GOVERNOR. IN THE INSTANT THE ONLY STATUTORY REQUIREMENT MET IS THE DECLARATION OF A STATE OF EMERGENCY BY THE GOVERNOR. SUBSEQUENTLY, A.R.S. 36-789(2) PROVIDES THAT THE PERSON OR PERSONS TO BE QUARANTINED THE COURT ORDER FOR A GROUP MAY BE PLACED IN A CONSPICUOUS PLACE IN THE QUARANTINE PREMISES.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

LOSS OF ALL WORLDLY POSSESSIONS, EMOTIONAL DISTRESS DUE TO DEATH OF FATHER WHILE BEING IN JAIL, FAILING HEALTH

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. GRIEVANCES FOR ISSUE WERE NEVER ANSWERED BY CTS OR JAIL COMMANDER



SINCE BEING HELD IN THE MARICOPA COUNTY JAIL VINCENT GALES, DIRECTOR OF CORRECTIONAL HEALTH SERVICES (CHS) HAS PLACED THE PLAINTIFF ON QUARANTINE EIGHT SEPARATE TIMES WITHOUT A COURT ORDER FROM 03-01-21 TO 04-12-21, 04-19-21 TO 05-03-21, 05-10-21 TO 06-18-21, 06-21-21 TO 07-30-21, 08-04-21 TO 08-16-21, 09-27-21 TO 10-22-21, 11-08-21 TO 01-03-22, AND 01-24-22 TO 03-11-22 WHICH CLEARLY SHOWS VINCENT GALES DELIBERATE, RECKLESS, CALLOUS INDIFFERENCE TO PLAINTIFF'S CONSTITUTIONAL RIGHTS TO A SPEEDY TRIAL. PLAINTIFF HAS HAD 14-18 COVID-19 TESTS SINCE MARCH 1, 2021 TO PRESENT IN WHICH ALL WERE NEGATIVE AND FURTHERMORE, PLAINTIFF HAS NEVER HAD ANY COVID-19 RELATED SYMPTOMS. THIS FLAGRANT AND EGREGIOUS ABUSE OF DISCRETION MORE THAN SHOCKS THE CONSCIENCE OF ANY REASONABLE PERSON. VINCENT GALES HAS ALLOWED HIS STAFF UNDER THIS PRACTICE, POLICY OR CUSTOM TO GO UNCHECKED AND QUARANTINE INMATES AS NEEDED TO ALLOW THE SUPERIOR COURT TO USE QUARANTINES AS A LEGAL DEVICE TO MANAGE THEIR DOCKETS.

CARA CHRIST, M.D. IMPLEMENTED THIS PRACTICE, POLICY OR CUSTOM AND FAILED TO TAKE ANY REMEDIAL ACTION WHEN IT CLEARLY SHOWS THE VIOLATION OF THE PLAINTIFF'S SIXTH AMENDMENT U.S. CONSTITUTIONAL RIGHTS CAUSING THE PLAINTIFF TO SUFFER AND LANGUISH IN JAIL WITH THE PLAINTIFF NOT KNOWING WHEN AND IF QUARANTINE WOULD EVER END.

THE MARICOPA COUNTY BOARD OF SUPERVISORS WERE AWARE OF THE PRACTICE, POLICY, OR CUSTOM THAT INMATES WERE BEING PLACED ON QUARANTINE WITHOUT A COURT ORDER PURSUANT TO A.R.S. 36-789 AND CAUSING THE TRIAL COURT TO ERRONEOUSLY EXCLUDE PLAINTIFF'S SPEEDY TRIAL TIME. THE MARICOPA COUNTY BOARD OF SUPERVISORS FAILED TO ACT OR TAKE ANY REMEDIAL ACTION WHICH CAUSED THE PLAINTIFF SUSTAINED DEPRIVATION OF HIS SUBSTANTIAL CONSTITUTIONAL RIGHTS WHICH CLEARLY SHOWS THE DELIBERATE, RECKLESS, CALLOUS INDIFFERENCE WHICH SHOCKS THE CONSCIENCE OF ANY REASONABLE PERSON.

PAUL PENZONE, SHERIFF OF THE MARICOPA COUNTY JAIL WAS AWARE AND ENFORCED THE QUARANTINE OF INMATES WITHOUT A COURT ORDER VIOLATING A.R.S. 36-789 FOLLOWING THE PRACTICE, POLICY OR CUSTOM THAT WAS PUT INTO PLACE BY DIRECTOR OF MCOPI CARA CHOPST FAILING TO ACT AND NO REMEDIAL ACTION BEING TAKEN TO STOP THE STATUTORY VIOLATION WHICH CAUSED THE COURT TO ABUSE ITS DISCRETION AND ERRONEOUSLY EXCLUDE PLAINTIFF'S SPEEDY TRIAL TIME VIOLATING PLAINTIFF'S SIXTH AMENDMENT U.S. CONSTITUTIONAL RIGHTS.

THE PLAINTIFF FILED GRIEVANCES TO CHS ON 03-09-22 AND THE MARICOPA COUNTY JAIL COMMANDER ON 03-11-22 AND NO RESPONSE FROM EITHER ONE HAS BEEN RECEIVED AS OF YET SHOWING THE BLATANT DISREGARD OF INMATE ISSUES.



THEREFORE, CHS (VINCENT GILES) UNDER MCOPH'S (CARA CHADST, M.D.) QUARANTINE REQUIREMENTS, WHICH APPEAR TO BE ISSUED PURSUANT TO A.R.S. § 36-788 MCOPH THROUGH AND ENFORCED BY THE MARICOPA COUNTY JAIL (PAUL PENZONE), IS MANDATING INMATE QUARANTINES WITHOUT A COURT ORDER CLEARLY SHOWING THAT ALL OF THE STATUTORY REQUIREMENTS HAVE NOT BEEN MET PURSUANT TO A.R.S. 36-789 (A)(4) AND FURTHER CAUSING THE TRIAL COURT TO ERRONEOUSLY EXCLUDE PLAINTIFF'S SPEEDY TRIAL TIME IN VIOLATION OF PLAINTIFF'S U.S. CONSTITUTIONAL SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL.

THE TRIAL COURTS BEGINNING WITH THE HONORABLE SUZANNE COHEN AND THE HONORABLE JENNIFER RYAN-TOUITT ORDERED PLAINTIFF TO APPEAR BY ANY MEANS TO THEIR COURTS FROM 02-02-22 TO 02-23-22 CLEARLY SHOWING THAT ANY AND ALL QUARANTINE'S PLAINTIFF WAS SUBJECTED TO AS ERRONEOUS. PLAINTIFF CONTENDS THAT IF THE COVID-19 QUARANTINE WAS SO SORELY NEEDED TO PROTECT PUBLIC HEALTH THEN IT SHOULD NOT HAVE BEEN SO EASILY LIFTED BY THE TRIAL COURTS. THIS IS A CLEAR SHOWING THAT THE COVID-19 QUARANTINE OF INMATES AT THE MARICOPA COUNTY JAIL IS BEING USED AS A JUDICIAL DEVICE AND CAN BE PLACED OR LIFTED BY THE WHIMS OF ANY COUNTY AUTHORITY VIOLATING SUBSTANTIAL U. S. CONSTITUTIONAL RIGHTS.



### COUNT III

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

☐ Basic necessities
 ☐ Mail
 ☐ Access to the court
 ☐ Medical care  
☐ Disciplinary proceedings
 ☐ Property
 ☐ Exercise of religion
 ☐ Retaliation  
☐ Excessive force by an officer
 ☐ Threat to safety
 ☐ Other: \_\_\_\_\_

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

1. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
2. Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
3. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
4. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

**If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.**



**E. REQUEST FOR RELIEF**

State the relief you are seeking:

I AM SEEKING GENERAL, SPECIAL, DECLARATORY, COMPENSATORY AND PUNITIVE  
RELIEF, INJUNCTION TO STOP ALL GUARANTINEES, TO HAVE ALL EXCLUDED  
SPEEDY TRIAL TIME INCLUDED AND TO BE RELEASED FOR SPEEDY TRIAL  
VIOLATION, TOTAL FOR DAMAGES \$3,000,000

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MARCH 24, 2022  
DATE

  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

**MARICOPA COUNTY SHERIFF'S OFFICE  
INMATE LEGAL SERVICES**

**CERTIFICATION**

I hereby certify that on this date March 25, 2022

In accordance with the instruction received from the inmate and the rules of this Court, I mailed the original and one (1) copy to the Clerk of the United States District Court, District of Arizona.

I further certify that copies of the original have been forwarded to:

\_\_\_ Hon \_\_\_\_\_ United States District Court, District of Arizona.

\_\_\_ Hon \_\_\_\_\_ United States District Court, District of Arizona.

\_\_\_ Attorney General, State of Arizona, \_\_\_\_\_

\_\_\_ Judge \_\_\_\_\_ Superior Court, Maricopa County, State of Arizona.

\_\_\_ County Attorney, Maricopa County, State of Arizona \_\_\_\_\_

\_\_\_ Public Defender, Maricopa County, State of Arizona \_\_\_\_\_

\_\_\_ Attorney \_\_\_\_\_

\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
\_\_\_\_\_  
Legal Support Specialist Signature

A7879

S/N

INMATE LEGAL SERVICES  
Maricopa County Sheriff's Office  
3250 W. Lower Buckeye Rd.  
Phoenix, AZ 85009